

04-425 HOFFMAN, ET. AL. V. UNITED STATES, ET. AL.

QUESTIONS PRESENTED FOR REVIEW

1. Whether, pursuant to the Hague/Geneva Protocols, after the Army lawfully brings foreign-owned paintings and photographs to the United States for the purpose of writing history books, the Government may confiscate these properties in the United States in direct violation of those Protocols, free from the Fifth Amendment Wrongful Taking Clause's compensation requirements, as the Federal Circuit held, or whether this Court's holding in *Russian Volunteer Fleet v. United States*, 282 U.S. 481 (1931), and the Second Circuit's holding in *Sardino v. Federal Reserve Bank*, 361 F.2d 106 (1966), continue to extend Wrongful Taking protection to these foreign-owned paintings and photographs located in the United States?

2. Since the Hague/Geneva Protocols, pursuant to Article VI of the Constitution, have the force and effect of an enacted United States statute, do Plaintiffs have a private right of action against the United States under those Protocols cognizable by the district court, independent of the Fifth Amendment, as Plaintiffs contend?

3. Whether pursuant to the Court's decision in *Glus v. Brooklyn E. Dist. Terminal*, 359 U.S. 231 (1959), and a line of state supreme court decisions, equitable estoppel precludes the Government's statute of limitations defense to its confiscation of Plaintiffs' paintings and photographs, as Plaintiffs contend, or whether those confiscations are protected by a four year statute of limitations, as the Federal Circuit held?